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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/695,521	Applicant(s) MAHONEN ET AL.	
	Examiner STEVEN LIM	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,12,16-18,22-28,30-45 and 48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,12,16-18,22-28,30-45 and 48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 16-18 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding Claims 16-18, applicant's specification fails to explicitly define a medium however the specification does disclose a computer program which can be stored in any memory means (Paragraph 21), therefore the computer readable storage medium is interpreted to be a transitory signal which is not statutory.

Applicant's are suggested to amend the claims to read "a non-transitory computer readable storage medium".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1, 3-7, 9, 16, 23-26, 28, 30, 31, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Littleton et al. (US 20030023759) in view of Suonpera et al. (US 20010041592) and Feague (US 6247135).

4. Regarding Claims 1, 9, 16, and 23, Littleton et al. discloses a synchronization system including memory (medium) storing computer program code (instructions), a processor executing the code (Claim 18) to create a session to synchronize two devices (Paragraph 16), the system comprising two communication devices (PDA and PC) and where the first communication device (PDA) comprises a user data unit (contact information record including phone numbers and addresses, Paragraph 15), defining in the synchronization system through a database, binding data (contact record and service features, Paragraph 15 and 22) which associates a user data identifier (phone number, Paragraph 22) identifying the user data unit with an identifier for identifying (speed dial is an identifier, Paragraph 22) at least one function of the first synchronization device (speed dial is a function of the device, Paragraph 22), the

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second communication device is a synchronization server (PC includes synchronization manager and PIM conduit, Paragraph 16), performing synchronization steps between the first communication device and the second communication device, the step comprising transferring the user data unit and the binding data from the first communications device to the second communications device (service features and phone numbers are compressed and sent to PC, Paragraphs 23 and 25), however Littleton et al. fails to disclose in response to the performance of the first synchronization step performing a second synchronization step with the second communications device, the step comprising transferring the binding data from the first synchronization device to the second synchronization device, wherein the second communications device is a synchronization server configured to synchronize the binding data to a mobile communications device to form binding in the mobile communications device in accordance with the binding data, and the first communication device checks whether the second communications device supports binding data synchronization, and transmit the binding data to the second communications device in the second synchronization step in response to the fact that the second communications device supports binding data synchronization.

5. In an analogous art, Suonpera et al. discloses in response to the performance of the first synchronization step (synchronization starts with transferring phonebook records, Paragraph 61) performing a second synchronization step with the second synchronization device (after phonebook is read for transfer then application reads and stores the message content, profile setting , the phone and call settings for transfer,

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Paragraph 61) the step comprising transferring the binding data from the first communications device to the second communications device (transfer of personal information includes voice tags used to implement voice dialing, Paragraph 64), wherein the second communications device is a synchronization server (computer, Paragraph 3) configured to synchronize the binding data to another mobile communications device to form binding in the mobile communications device in accordance with the binding data (data is transferred from phone to phone or from phone to computer to phone to transfer personalized information, Paragraph 3), which enables the user to easily change phones (Paragraph 3).

6. In an analogous art, Feague discloses a first communication device checks whether a second communications device supports a specific synchronization capability (system checks device and synchronization capabilities, Col. 3, Line 59- Col. 4, Line 18), and performing the synchronization based on the supported capabilities (synchronization proceed using features available once negotiation is completed, Col. 3, Line 59- Col. 4, Line 18), which enables the synchronization procedure to be governed.

7. It would have been obvious to one having ordinary skill in the art at the time of invention was made to have a second synchronization step to transfer binding data in order to synchronize all settings of a first phone to a second device to backup all settings for data recovery purposes and It would have also been obvious to one having ordinary skill in the art at the time of invention was made to synchronize the binding data with another device to allow the user to keep all databases of the data up to date

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so that all devices have the most recent information and to have all devices operate in a similar matter.

8. It would have also been obvious to one having ordinary skill in the art at the time of invention was made to check whether a device supports binding data synchronization and then proceed with the synchronization if the capability is supported in order to govern how the synchronization is to proceed when device capabilities are varied from device to device thereby allowing the synchronization to proceed in a manner that is most efficient for the features available (Col. 3, Line 59- Col. 4, Line 18).

9. Regarding Claim 3, Littleton et al. further discloses the binding data (contact record and service feature or data fields, Paragraph 15 and 22) associates the user data unit (information within and organized by the contact record, Paragraph 15) with a resource identifier (phone number, Paragraph 15), which is used by at least one application (address book database application, Paragraph 20).

10. Regarding Claim 4, Littleton et al. further discloses the binding data (contact record and service feature or data fields, Paragraph 15 and 22) associates the user data unit (information within and organized by the contact record) with a device data unit (anonymous call reject service feature) which is a data unit affecting the operation of the second communication device (Paragraph 20 and 22).

11. Regarding Claim 5, Littleton et al. further discloses the user data unit is a phone number (Paragraph 15) and the binding data (contact record and service feature or data fields, Paragraph 15 and 22) associates the user data unit with a device data unit, which is a speed dial number (speed dial, Paragraph 22).

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12. Regarding Claim 6, Littleton et al. further discloses the user data unit is a phone number (Paragraph 15) and the binding data (contact record and service feature or data fields, Paragraph 15 and 22) associates the user data unit with a device data unit, which is the identifier of a caller group (distinctive ring on a group, Paragraph 20).

13. Regarding Claim 7, Littleton et al. further discloses synchronizing the device data unit from the first communication unit to the second communication unit in connection with the synchronization of the user data unit (synchronization is two way between PC and PDA, Paragraph 34).

14. Regarding Claim 24, Littleton et al. further discloses the binding data (contact record and service feature or data fields, Paragraph 15 and 22) associates the user data unit (information within and organized by the contact record) with a device data unit (anonymous call reject service feature) which is a data unit affecting the operation of the second synchronization device (Paragraph 20 and 22).

15. Regarding Claim 25, Littleton et al. further discloses the user data unit is a phone number (Paragraph 15) and the binding data (contact record and service feature or data fields, Paragraph 15 and 22) associates the user data unit with a device data unit, which is a speed dial number (speed dial, Paragraph 22).

16. Regarding Claim 26, Littleton et al. further discloses the user data unit is a phone number (Paragraph 15) and the binding data (contact record and service feature or data fields, Paragraph 15 and 22) associates the user data unit with a device data unit, which is the identifier of a caller group (distinctive ring on a group, Paragraph 20).

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17. Regarding Claim 28, Littleton et al. further discloses the binding data (contact record and service feature or data fields, Paragraph 15 and 22) associates the user data unit (information contained in and organized by the contact record, Paragraph 15) with a resource identifier (phone number, Paragraph 15), which is used by at least one application (address book database application, Paragraph 20).

18. Regarding Claim 30, Littleton et al. further discloses controlling the synchronization device to check if the user data units defined in the binding data have been transmitted to the second synchronization device (Fig. 3, Item 330) and controlling the synchronization device to transmit any missing user data units to the second synchronization device (Fig. 3, Item 350).

19. Regarding Claim 31, Littleton et al. further discloses the apparatus is arranged to synchronize binding data formed by another device (Fig. 3, Item 350 and 360).

20. Regarding Claim 48, Littleton et al. further discloses the first communications device checks if the second communications device has user data units defined in the binding data (PIM application checks for records recently created and adds dirty flags, Paragraph 29) and the first communications device transmits any missing user data units to the second communications device (dirty flags used to determine which records need to be created in the other device, Paragraph 29).

21. Claims 12, 17, 18, 22, 32, 33, 36, 38, 39, 40, 43, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suonpera et al. (US 20010041592) in view of Hertzog et al. (US 20030069874).

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22. Regarding Claims 12, 17, 18, 32, and 39, Suonpera et al. discloses a data structure including binding data (memory means associated with said data transfer application in said computer to store personalized information, Paragraph 3), a computer program controlling operation of a synchronization between a mobile device and a computer (Paragraph 7) that when executed performs the method of a mobile communications device establishing a synchronization session for user data synchronization (second phone connected to computer to write personalized information stored from first phone, Paragraph 3) with a second communications device (computer), the mobile communications device performing a first synchronization step of receiving a user data unit from the second communications device's storage (personalized information including phonebook record is received and written into the memory of the second phone, Paragraph 3, 56, and 61), in response to the performance of the first synchronization step (synchronization starts with transferring phonebook records, Paragraph 61) performing a second synchronization step with the second synchronization device's storage (entries for each record are transferred and after phonebook is read for transfer then application reads and stores the message content, profile setting, the phone and call settings for transfer, Paragraphs 61 and 62) the step comprising transferring the binding data from the second communications device to another communications device (transfer of personal information from computer to phone, Paragraphs 3, 56, 61), the binding data associates a user data identifier identifying the user data unit with an identifier for identifying at least one function of the second communications device (voice tags stored in association with phone book

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records for voice dialing, Paragraph 3 and 64), however Suonpera et al. fails to disclose the mobile communications device is configured to check if all user data units defined in the received binding data are available in the mobile communications device; in response to at least one user data unit defined in the received binding data not being available in the mobile communications device, the mobile communications device is configured to request the at least one further user data unit; the mobile communications device is configured to receive the at least one further user data unit; and the mobile communications device is configured to form a binding between the at least one further user data unit and at least one of its functions in accordance with the binding data.

23. In an analogous art, Hertzog et al. discloses the mobile communications device is configured to check if all user data units defined in the received binding data are available in the mobile communications device (obtain updates, Paragraph 58); in response to at least one user data unit defined in the received binding data not being available in the mobile communications device, the mobile communications device is configured to request the at least one further user data unit (reconcile conflicts, Paragraph 58); the mobile communications device is configured to receive the at least one further user data unit (updates with user-defined fields, Paragraphs 58-59); and the mobile communications device is configured to form a binding between the at least one further user data unit and at least one of its functions in accordance with the binding data (mapping operation, Paragraph 59), which enables expansion of the database to allow user customization increasing organizational capability.

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24. It would have been obvious to one having ordinary skill in the art at the time of invention was made to perform synchronization functions on binding data in order to allow the user to maintain an up to date database that includes all the possible user's data and to allow the user to customize the database thereby increasing their capability to utilize efficient organizational filters.

25. Regarding Claim 22, Suonpera et al. further discloses the binding data (computer used to store personalized information that can be transferred to a phone in a synchronization process, Paragraph 3) associates the user data unit (personalized information includes phonebook, Paragraphs 56 and 61) with a device data unit (phonebook associated with voice tag, Paragraph 64) which is a data unit affecting the operation of the second synchronization device (voice tag allows user to utilize voice dialing, Paragraph 64).

26. Regarding Claim 33, Suonpera et al. further discloses the binding data (computer used to store personalized information that can be transferred to a phone in a synchronization process, Paragraph 3) associates the user data unit (personalized information includes phonebook, Paragraphs 56 and 61) with a device data unit (phonebook associated with voice tag, Paragraph 64) which is a data unit affecting the operation of the second synchronization device (voice tag allows user to utilize voice dialing, Paragraph 64).

27. Regarding Claim 36, Suonpera et al. further discloses the binding data (computer used to store personalized information that can be transferred to a phone in a synchronization process, Paragraph 3) associates the user data unit (personalized

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information includes phonebook, Paragraphs 56 and 61) with a resource identifier (voice tags, Paragraph 64), which is used by at least one application (voice dialing and control operations in the menu structure of the phone, Paragraph 64).

28. Regarding Claim 38, Suonpera et al. further discloses the apparatus is a mobile terminal (portable phone, Paragraph 3).

29. Regarding Claim 40, Suonpera et al. further discloses the binding data (computer used to store personalized information that can be transferred to a phone in a synchronization process, Paragraph 3) associates the user data unit (personalized information includes phonebook, Paragraphs 56 and 61) with a device data unit (phonebook associated with voice tag, Paragraph 64) which is a data unit affecting the operation of the second synchronization device (voice tag allows user to utilize voice dialing, Paragraph 64).

30. Regarding Claim 43, Suonpera et al. further discloses the binding data (computer used to store personalized information that can be transferred to a phone in a synchronization process, Paragraph 3) associates the user data unit (personalized information includes phonebook, Paragraphs 56 and 61) with a resource identifier (voice tags, Paragraph 64), which is used by at least one application (voice dialing and control operations in the menu structure of the phone, Paragraph 64).

31. Regarding Claim 45, Suonpera et al. further discloses the apparatus is a mobile terminal (portable phone, Paragraph 3).

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32. Claims 34, 35, 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suonpera et al. (US 20010041592) in view of Hertzog et al. (US 20030069874) and further in view of Littleton et al. (US 20030023759).

33. Regarding Claims 34 and 35, Suonpera et al. further discloses the binding data (computer used to store personalized information that can be transferred to a phone in a synchronization process, Paragraph 3) associates the user data unit which refers to a phone number (personalized information includes phonebook which includes phone numbers, Paragraph 61) with a device data unit (phonebook associated with voice tag function, Paragraph 64) which is a data unit affecting the operation of the second synchronization device (voice tag allows user to utilize voice dialing, Paragraph 64), however Suonpera fails to disclose the device data unit is a speed dial number or identifier of a caller group.

34. In an analogous art, Littleton et al. discloses a device data unit, which is a speed dial number (speed dial, Paragraph 22) or identifier of a caller group (distinctive ring on a group, Paragraph 20), which enables database records to include greater amounts of information thereby increasing functionality, usability and capability to search and filter the records.

35. It would have been obvious to one having ordinary skill in the art at the time of invention was made to associate a phone number or contact record information with a speed dial number or identifier of a caller group in order to allow each record to include greater amounts of information thereby increasing functionality, usability and capability to search and filter multiple records.

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36. Regarding Claims 41 and 42, Suonpera et al. further discloses the binding data (computer used to store personalized information that can be transferred to a phone in a synchronization process, Paragraph 3) associates the user data unit which refers to a phone number (personalized information includes phonebook which includes phone numbers, Paragraph 61) with a device data unit (phonebook associated with voice tag function, Paragraph 64) which is a data unit affecting the operation of the second synchronization device (voice tag allows user to utilize voice dialing, Paragraph 64), however Suonpera fails to disclose the device data unit is a speed dial number or identifier of a caller group.

37. In an analogous art, Littleton et al. discloses a device data unit, which is a speed dial number (speed dial, Paragraph 22) or identifier of a caller group (distinctive ring on a group, Paragraph 20), which enables database records to include greater amounts of information thereby increasing functionality, usability and capability to search and filter the records.

38. It would have been obvious to one having ordinary skill in the art at the time of invention was made to associate a phone number or contact record information with a speed dial number or identifier of a caller group in order to allow each record to include greater amounts of information thereby increasing functionality, usability and capability to search and filter multiple records.

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39. Claims 8 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Littleton et al. (US 20030023759) in view of Suonpera et al. (US 20010041592) and Feague (US 6247135) and further in view of Hepper et al. (US 20030220966).

40. Regarding Claims 8 and 27, Littleton et al. further discloses the synchronization device is a server (Fig. 1, Item 106) and the other synchronization device is a PC (Fig. 1, Item 104) or client device PDA (Fig. 1, Item 102) and where the second synchronization device maintains a binding data table (server database, Fig. 1, Item 140) which associates the user data unit with identifier related to the device (service feature call forwarding dictates that calls received from a specific phone number will not be received and should be forwarded to another number, Paragraph 22), however Littleton et al. fails to disclose the server and client using a synchronization markup language.

41. In an analogous art, Hepper et al. discloses clients and servers using a synchronization markup language for synchronization of information in databases (systems which uses SyncML include clients that use SyncML, Paragraph 24), which enables information to be annotated in a syntactically distinguishable form.

42. It would have been obvious to one having ordinary skill in the art at the time of invention was made for the clients and servers to use a synchronization markup language in order to allow information to be annotated in a syntactically distinguishable form.

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43. Claims 37 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suonpera et al. (US 20010041592) in view of Hertzog et al. (US 20030069874) and further in view of Hepper et al. (US 20030220966).

44. Regarding Claim 37 and 44, Suonpera et al. discloses a data structure including binding data (memory means associated with said data transfer application in said computer to store personalized information, Paragraph 3), the binding data (computer used to store personalized information that can be transferred to a phone in a synchronization process, Paragraph 3) associates the user data unit which refers to a phone number (personalized information includes phonebook which includes phone numbers, Paragraph 61) with a device data unit related to the apparatus (phonebook associated with voice tag function, Paragraph 64), however Suonpera et al. fails to disclose the server and client using a synchronization markup language and the user data unit and associated device relation are associated and identified by LUIDs or GUIDs.

45. In an analogous art, Hepper et al. discloses clients and servers using a synchronization markup language for synchronization of information in databases (systems which uses SyncML include clients that use SyncML, Paragraph 24) and where each record is identified by a LUID and a LUID is associated to a Server ID or GUID (Paragraph 29), which enables information to be annotated in a syntactically distinguishable form and each record to be uniquely identified

46. It would have been obvious to one having ordinary skill in the art at the time of invention was made for the clients and servers to use a synchronization markup

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language in order to allow information to be annotated in a syntactically distinguishable form and to associate the user data unit and device to LUIDs in order to uniquely identify a record and who it belongs to.

Response to Arguments

47. Applicant's arguments with respect to claim 1, 3-9, 12, 16-18, 22-28, 30-45, and 48 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Lim whose telephone number is (571) 270-1210. The examiner can normally be reached on Mon-Thurs 9:00am-4:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven Lim/
Examiner, Art Unit 2617